

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 COMMUNITY LONG-TERM CARE PROGRAMS

CHAPTER 1427

RESPIRE SERVICES

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Historical Note: Chapter 17-1427 is based substantially upon chapter 17-902, [Eff 7/19/82; am 10/29/83; am 7/1/85; R JUN 29 1992]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1427-1 Purpose. (a) The purpose of the respite companion service program shall be to provide employment training to low-income persons aged fifty-five or older through part-time employment as respite companions.

(b) Respite care services provided through purchase of service contract shall be for the purpose of providing care to disabled children or adults on a temporary basis to enable their primary caregivers time to engage in other activities. [Eff JUN 29 1992]
(Auth: HRS §§346-14, 346-56) (Imp: HRS 346-14)

§17-1427-2 Goals. (a) The respite companion service program shall be directed at helping eligible recipients to:

- (1) Achieve or maintain economic self-support to prevent, reduce, or eliminate dependency on public assistance; and
 - (2) Achieve or maintain self-sufficiency, including reduction or prevention of dependency.
- (b) Respite care services shall be directed at helping eligible recipients to:
- (1) Prevent or remedy abuse, neglect, or exploitation; and
 - (2) Prevent or reduce inappropriate institutionalization by providing for community-based services. [Eff JUN 29 1992] (Auth: HRS §§346-14, 346-56) (Imp: HRS 346-14)

§17-1427-3 Definitions. For the purpose of this chapter:

"Caregiver" means the individual who is the primary, unpaid, regular provider of care to a disabled child or adult.

"Client family" means a family which is providing twenty-four hour care for a frail elderly person in the family's home. A client family may be a well husband or wife providing home care for an ill spouse, children caring for elderly parents, or other relatives caring

for a frail elderly family member. A client family may also consist of unrelated individuals providing twenty-four hour care for not more than one frail elderly person, if the frail elderly person would otherwise be subject to placement outside the family home without the care provided by the client family, and if the unrelated individuals have received training to provide the appropriate level of care.

"Disabled child or adult" means a person determined to have a physical or mental disability.

"Frail elderly persons" or "clients" means individuals requiring twenty-four hour care, but who are being maintained in private homes other than domiciliary care homes.

"Memorandum of understanding" means an agreement prepared by the respite companion service program and signed by the administrator of the respite companion service program and the respite station which identifies program requirements, working relationships, and mutual responsibilities.

"Respite care service" means care provided to a disabled child or adult on a temporary basis to enable the primary, unpaid, regular caregiver to engage in other activities.

"Respite companion service" means assistance provided by respite companions employed by the respite companion service program to families rendering twenty-four hour care for frail elderly persons to allow the families time to engage in other activities.

"Respite companion service program" means an employment and training program established by the department which provides part-time salaried positions for low-income persons aged fifty-five or older as respite companions, assisting families providing twenty-four hour care for frail elderly persons in the families' homes.

"Respite companions" means low-income persons aged fifty-five and over who provide respite companion service to clients and client families as defined in this section.

"Respite station" means a public or private non-profit social service or health care agency or organization qualified or licensed to provide services for clients, that has entered into a memorandum of understanding with the department.

"Senior community service employment program (SCSEP)" means an employment and training program

administered by the department through grants with the State's department of labor and industrial relations (DLIR). SCSEP fosters and promotes useful part-time opportunities in community service activities for persons with low incomes who are fifty-five years or older. [Eff **JUN 29 1992**] (Auth: HRS §346-56)
(Imp: HRS §346-56)

SUBCHAPTER 2

RESPITE COMPANION SERVICE PROGRAM

§17-1427-4 Respite companion service program eligibility, status, benefits. (a) In order to qualify as a respite companion, a person shall meet the following requirements:

- (1) Be fifty-five years of age or older. No person shall be determined ineligible solely for reasons of advanced age, and no upper-age limit shall be used;
 - (2) Be physically and mentally capable of performing part-time employment duties;
 - (3) Be determined as income eligible for the program by:
 - (A) Having an individual income that does not exceed one hundred twenty-five per cent of the poverty level determined in accordance with criteria established and updated by the United States Office of Management and Budget; or
 - (B) Receiving cash welfare payments; and
 - (4) No additional conditions or requirements for enrollment eligibility shall be imposed.
- (b) Respite companions shall be employees of the department and shall:
- (1) Receive wages, temporary disability insurance, unemployment insurance, and worker's compensation, as determined by state personnel procedures and in accordance with federal regulations for the senior community service employment program (SCSEP); and
 - (2) Receive the following benefits:
 - (A) Provision of bus fare or mileage reimbursement in accordance with Hawaii government employees association bargaining unit ten negotiated rates.

The transportation costs shall be paid by the client family. If it is determined the client family cannot meet the costs, the costs shall be paid from the respite companion service program budget, subject to the availability of funds;

- (B) A pre-entry physical examination and an annual physical examination paid with respite companion service program funds, up to a maximum cost determined by the respite companion service program;
- (C) Paid pre-service training;
- (D) Monthly paid in-service training;
- (E) Information and referral to other community resources and services, as needed; and
- (F) Counseling and guidance relative to job or non-job-related problems.

(C) The respite companion shall be encouraged to seek opportunities to gain unsubsidized employment.

The respite companion:

- (1) May contract privately to engage in additional work for any client family as long as the work does not negatively affect service as a respite companion;
- (2) May contract privately to engage in additional work for the respite station as long as the work does not negatively affect services as a respite companion; and
- (3) Shall actively seek any unsubsidized employment and shall be assisted with training and skills development to enhance employability, by the respite companion service program staff as appropriate, subject to availability of funds.

JUN 29 1992

[Eff

29 C.F.R. §§89-19, 89.22, 89.24, 89.26,

89.27, 89.28, 89.32, 89.33)

S17-1427-5 Client family eligibility, status, obligations. (a) In order to qualify as a client family, the following conditions shall be met:

- (1) The client family shall include a related frail elderly family member who:
 - (A) Lives with the client family;

- (B) Requires twenty-four hour care;
 - (C) Would be subject to placement outside the family home without the care provided by the family members; and
 - (D) Is not receiving services under the department's nursing home without walls program as provided in chapter 17-1438;
- (2) The client family may include an unrelated frail elderly person if:
- (A) The frail elderly person lives with the client family;
 - (B) The frail elderly person requires twenty-four hour care;
 - (C) The frail elderly person would be subject to placement outside the family home without the care provided by the client family;
 - (D) The frail elderly person is not receiving services under the department's nursing home without walls program as provided for in chapter 17-1438;
 - (E) The client family includes no more than one frail elderly person;
 - (F) The client family has received training to provide the appropriate level of care; and
 - (G) The client family is not a domiciliary care home;
- (3) Priority shall be given to client families in the following order:
- (A) Families consisting only of an elderly spouse or one elderly offspring who is the primary care provider;
 - (B) Families consisting only of one offspring or other adult who is the primary care provider;
 - (C) Families consisting of multiple members who serve as care providers; and
 - (D) Families caring for an unrelated frail elderly person;
- (4) The client family shall be assessed by respite station staff to be in need of outside assistance in order to maintain the client's residence within the home and to assure the quality of care provided to the client; and

- (5) Eligibility for respite companion service shall not be based on family income.
- (b) Client families and clients shall be the recipients of respite companion service. As recipients, clients and client families shall:
 - (1) Receive the time and service of the respite companion assigned to the clients and client families;
 - (2) Not be charged for the services of the respite companion;
 - (3) Not be the employers of the respite companion;
 - (4) Not change the care plan of the respite companion without the approval of the assigned supervisor; and
 - (5) Provide reimbursement of the respite companion's transportation expenses at the rate approved by the respite companion service program, unless other arrangements have been made with the respite companion service program. [Eff **JUN 29 1992**]
 (Auth: HRS §346-56) (Imp: 29 C.F.R. §89.25)

§17-1427-6 Respite station eligibility, status, obligations. (a) In order to qualify as a respite station, an agency shall:

- (1) Be a public or private non-profit agency, institution, or organization;
 - (2) Be within the respite companion service program geographic area as defined in grants funding the respite companion service program;
 - (3) Include the provision of health care services to the frail elderly person in its scope of services;
 - (4) Not request or receive any compensation for services of respite companions supervised by the organization;
 - (5) Have, and be willing to assign, qualified staff to supervise respite companions assigned to the agency; and
 - (6) Enter into a memorandum of understanding with the respite companion service program.
- (b) Respite stations shall be sites for respite companions and shall:

- (1) Be assigned an established number of respite companion hours by the respite companion service program;
- (2) Assign the respite companions to clients of the respite station who are eligible for respite companion service;
- (3) Provide supervision and other support as outlined in the memorandum of understanding;
- (4) Not be employers of the respite companions; and
- (5) Not use the respite companions for any work other than respite companion assignments during the hours the respite companions are being paid to engage in respite companion assignments. [Eff JUN 29 1992] (Auth: HRS \$346-56) (Imp: 29 C.F.R. \$89.25)

\$17-1427-7 Scope of respite companion service.

(a) The respite companion's services to clients and client families shall include the following duties and responsibilities:

- (1) Health and personal services which shall include:
 - (A) Attending the client during the absence of client family members;
 - (B) Assisting the client with such activities as bathing, personal grooming, and dressing;
 - (C) Monitoring the use of medication and health; and
 - (D) Assisting with occupational and physical therapy or other activities as prescribed in the care plan;
- (2) Socialization activities which shall include:
 - (A) Providing companionship, conversation, and informal counseling; and
 - (B) Reading, writing, reality orientation, and assistance with hobbies and similar activities;
- (3) Home management activities which shall include:
 - (A) Assisting the client family with shopping for special needs and aiding the client with personal errands; and
 - (B) Planning meals, preparing food and related activities which are prescribed

in the care plan while client family members are absent; or

(4) Other duties which shall include:

(A) Meeting regularly with designated respite station supervisors and the respite companion service program coordinator to review the status of each assignment;

(B) Attending all training sessions, group and individual, as scheduled by the respite companion service program and respite station; and

(C) Submitting all time and expense reports, work schedules, annual medical report, income declaration, and other reports or information required by the respite companion service program office.

(b) Respite companions shall not perform services such as:

(1) Housework that ordinarily would be performed by household members, homemakers, or paid domestic help, such as washing and ironing clothes, scrubbing walls and floors, or washing windows;

(2) Personal services to client-family members apart from activities for the frail elderly person;

(3) Extensive home repair activities;

(4) Activities usually performed by doctors or nurses;

(5) Signing legal papers for the frail elderly person;

(6) Activities detrimental to respite companions; and

(7) Activities not specified in the care plan.
[Eff JUN 29 1997] (Auth: HRS \$346-56)
(Imp: 29 C.F.R. \$89.25)

\$17-1427-8 Referral, assessment, care plan, and supervision procedures.

(a) A request for respite companion service shall be made in the following ways:

(1) The client family may make a request for respite companion service to the respite companion service program on the family's own behalf;

- (2) Any health or social service agency may make a request for respite companion service for the agency's clients to the respite companion service program; or
- (3) A respite station having an established number of respite companion hours assigned to the station's staff may assign a respite companion directly to qualifying clients and client families.
- (b) Assessment of eligibility for the service of a respite companion shall be performed in the following ways:

- (1) Self-referrals or agency referrals shall be assessed by any health or social service agencies which have been approved by the respite companion service program to make the assessment; or
- (2) Respite stations may assess clients and assign respite companions to the clients and client families directly; and
- (3) All assessments shall be made in person and in the client family's home, if possible; and
- (4) All assessments and care plans shall be prepared on forms provided by the respite companion service program and copies shall be made available to the respite station's clients, client families, and respite companions.

- (c) Supervision of respite companions assigned to clients and client families of respite stations shall be handled primarily by staff designated by the respite stations and secondarily by the respite companion service program staff. [Eff ~~JUN 29 1992~~ JUN 29 1992] (Auth: HRS §346-56) (Imp: 29 C.F.R. §89.25)

§17-1427-9 Authorization of respite companion service. (a) Participation in the respite companion service program as a respite companion shall be authorized when an individual meets the eligibility requirements specified in section 17-1427-4. Such participation shall be authorized subject to the availability of funds.

- (b) Respite companion service shall be authorized when a client family meets the eligibility requirements specified in section 17-1427-5. [Eff ~~JUN 29 1992~~ JUN 29 1992] (Auth: HRS §346-56) (Imp: 29 C.F.R. §§89.1, 89.2)

§17-1427-10 Geographic area of service. Areas served by the respite companion service program shall be determined by the availability of funds and shall be set forth in contracts for the currently funded period.
[Eff. JUN 29 1992] (Auth: HRS §346-56) (Imp: 29 C.F.R. §89.29)

§17-1427-11 Reduction or termination of services.

(a) A respite companion shall be terminated from serving when one or more of the following conditions are met:

- (1) The respite companion decides to resign;
 - (2) The respite companion's physical examination result indicates that the companion is not physically or mentally able to fulfill the time or duty requirements of the position;
 - (3) The respite companion no longer meets the income eligibility requirements as established by the United States Office of Management and Budget;
 - (4) The respite companion has frequent and unexcused absences;
 - (5) The respite companion fails to fulfill required duties and responsibilities; or
 - (6) The respite companion is unable to accept supervision from the respite station or the respite companion service program.
- (b) Respite companion services to clients and client families shall be terminated when one or more of the following conditions occur:
- (1) Abuse to the respite companion by the client or client family, such as:
 - (A) Demands for activities that exceed the limitations of the respite companion position; or
 - (B) Actual physical or verbal abuse; or
 - (C) Physical or verbal threats to the respite companion by the client or client family.
 - (2) The assignment is no longer productive or satisfying to the respite companion, client family, or client;
 - (3) Terms of the care plan are not being followed;
 - (4) The client demonstrates a diminishing need for respite companion service;

- (5) The client develops acute functional or organic difficulties requiring assistance beyond the scope of service provided by the respite companion;
- (6) The respite companion leaves the program and a replacement is not available; or
- (7) The client is accepted for participation in the department's nursing home without walls program as provided for in chapter 17-1438.
- (c) Respite companion service to respite stations shall be terminated when one of the following conditions is met:
 - (1) Terms of the memorandum of understanding are not being fulfilled; or
 - (2) One or both parties to the memorandum of understanding decide to terminate the agreement, with thirty days written notice to the other party.
 - (d) A respite companion's participation or respite companion service to clients and client families may be terminated or reduced due to changes in the level of program funding. [Eff **JUN 29 1992**]
(Auth: HRS §346-56) (Imp: 29 C.F.R. §89.31)

SUBCHAPTER 3

CONTRACTED RESPITE CARE SERVICES

§17-1427-12 Respite care service. Respite care service to enable primary, unpaid, regular caregivers for a disabled child or adult to engage in other activities may be provided by the department through contracted services, subject to the availability of funds. [Eff **JUN 29 1992**] (Auth: §346-14) (Imp: §346-14)